

DELEGATE MAURER: I have a question on bargaining collectively.

As you know, in the New York State law on negotiations or employee-employer relationships in the public sector, they used the words "collective negotiations."

One of the problems is whether you can make contracts. Collective bargaining implies reaching an agreement through contract. Public school systems, for example, are large employers but are not independent. They cannot assure certain funds and as the law has been held, we are not in a position to sign a contract. Do you have any implications in this statement of the use of the word "collective bargaining" that contracts are involved?

DELEGATE BOTHE: The implications are, as I believe they are defined in the National Labor Relations Act. You are looking toward an agreement. When you are speaking of a contract, I do not know whether you are distinguishing a written contract from an agreement and this proposal does not purport to make any such distinction. It is merely a question of the employer and the employee sitting down and talking it over in the hope that they can reach an agreement satisfactory to both.

Whether that agreement involves a written contract, whether the employer's binding the conditions of wages and working conditions can enter into such a contract is not implicit here.

THE CHAIRMAN: Delegate Maurer.

DELEGATE MAURER: I have a question.

We have talked about implementation by law and I am assuming you have talked about the General Assembly. What effect would this have on executive orders and, secondly, what effect would this have in terms of local implementation?

Could jurisdictions, either local governments, or school boards, et cetera, set up their own regulations or are you thinking only in term of state-wide legislation?

DELEGATE BOTHE: Oh, no, in fact, there is no state-wide legislation now and what might occur in the future would be up to the General Assembly, but I think it is contemplated in the cases of school boards and other areas which are locally managed and run, that the right be vis-a-vis the local authorities. If the State should enact legislation I am certain that it would leave the negotiating machinery in the

hands of those who are responsible for the employment and conditions of employment.

THE CHAIRMAN: Delegate Maurer.

DELEGATE MAURER: As you know, under the Kennedy Administration there was a famous executive order about the federal employees. Do you view this avenue open to arrangements for state employees, that is, executive order rather than legislative implementation?

DELEGATE BOTHE: I would hope that both the executive and the General Assembly would by the inclusion of this language be inspired to do what they have not previously seen fit to do and use their powers and authorities to make certain that this right is effectuated and is taking place in all the areas of the State.

I do not know in which instances it would be more appropriate to be done by executive order or by the General Assembly, but I think the efforts would be cooperative just as the president's order complements the National Labor Relations Act.

THE CHAIRMAN: Delegate Beatrice Miller.

DELEGATE B. MILLER: Delegate Bothe, is it not true that the state school board in a by-law last year adopted a professional negotiations resolution which recognized the right of their employees to bargain collectively?

DELEGATE BOTHE: If you ask the question I think I can safely say yes.

THE CHAIRMAN: Delegate Miller.

DELEGATE B. MILLER: You mentioned something about a model constitution proposing a provision. Can you tell us a little more about what the model constitution proposed?

THE CHAIRMAN: Delegate Bothe.

DELEGATE BOTHE: I will read it. It is Section 103 of the fifth edition of the model constitution. It is placed between due process and searches and seizures and, incidentally, is the only provision which is not identical to those which we adopted yesterday and it reads:

"Citizens shall have the right to organize, except in military or semi-military organizations not under the supervision of the State and except for purposes of resisting the fully constituted authority of this state or of the United States. Public employees shall have the right, through representatives